PARLIAMENT OF VICTORIA

Safer Protest with a Registration System and a Ban on Face Coverings Bill 2025

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PARLIAMENT OF VICTORIA

Introduced in the Council by David Davis

Safer Protest with a Registration System and a Ban on Face Coverings Bill 2025

A Bill for an Act to provide for the registration and authorisation of public protests, to give legal protection to persons who participate in authorised public protests, to provide for prohibition orders and exclusion orders, to prohibit the wearing of face coverings at public protests, to consequentially amend the **Summary Offences Act 1966**, and for other purposes.

The Parliament of Victoria enacts:

Part 1—Preliminary

1 Purposes

The main purposes of this Act are—

(a) to provide for the registration of public protests by the Chief Commissioner of Police; and

(b) to enable the Supreme Court to authorise or prohibit public protests; and

(c) to give legal protection to persons who participate in authorised public protests; and

(d) to provide for exclusion orders; and

(e) to prohibit the wearing of face coverings at public protests; and

(f) to consequentially amend the **Summary Offences Act 1966**.

2 Commencement

This Act comes into operation on the day after the day on which it receives the Royal Assent.

3 Definitions

In this Act—

authorised public protest means a public protest that is—

(a) registered by the Chief Commissioner under section 6(1) and carried out in accordance with that registration; or

(b) authorised by a court order made under section 10 and carried out in accordance with that order;

Chief Commissioner means the Chief Commissioner of Police appointed under section 17 of the **Victoria Police Act 2013**;

court means Supreme Court;

direction to move on means a direction given under section 6 of the **Summary Offences Act 1966**;

exclusion order means an order made under section 13;

organiser means a person responsible for organising or facilitating a public protest;

police station means a police station located in Victoria;

prohibition order means an order made under section 8;

public place has the same meaning as in the **Summary Offences Act 1966**;

public protest means an event held in a public place to advance, publicise or promote a political, ideological or industrial cause.

Part 2—Public protests

4 Protection for participants in authorised public protests

A person who participates in an authorised public protest is not guilty of any offence relating to the obstruction of a public place merely because of the person's participation in the protest.

5 Application to Chief Commissioner to register public protest

(1) The organiser of a public protest may apply to the Chief Commissioner to register the public protest.

(2) An application under subsection (1) must—

(a) be in writing and in a form approved by the Chief Commissioner (if any); and

(b) be either—

(i) delivered electronically or in hard copy to a police officer at a police station; or

(ii) submitted to the Chief Commissioner by an online form made available by the Chief Commissioner for this purpose (if any); and

(c) contain the following information—

(i) the name and contact details (telephone number and email or postal address) of the applicant and any other organiser of the public protest;

(ii) the day on which the public protest is proposed to be held;

(iii) the place at which the public protest is proposed to be held;

(iv) the time at which it is proposed that persons will assemble to participate in the public protest;

(v) the times at which it is proposed that the public protest will begin and end;

(vi) if the public protest involves a procession—

(A) the proposed route of the procession; and

(B) any places at which it is proposed the procession will stop; and

(C) the length of time it is proposed that the procession will remain at each place;

(vii) the expected number of participants;

(viii) the purpose of the public protest;

(ix) a description of any sound amplification equipment proposed to be used during the public protest.

6 Chief Commissioner may register public protest

(1) On an application under section 5(1), the Chief Commissioner, by notice published in the Government Gazette, may register a public protest if the Chief Commissioner is satisfied that the public protest is not likely to—

(a) be highly disruptive to the public; or

(b) endanger public safety; or

(c) require an unreasonable use of police resources to prevent disruption to the public or to protect public safety.

(2) The Chief Commissioner must notify the applicant and any other organiser named in the application in writing that the Chief Commissioner—

(a) has registered the public protest; or

(b) refuses to register the public protest.

(3) The Chief Commissioner may impose any conditions on the registration that the Chief Commissioner considers necessary.

7 Chief Commissioner may apply for prohibition order

(1) If the Chief Commissioner—

(a) receives an application to register a public protest under section 5(1) at least 5 days before the day the protest is proposed to be held; and

(b) refuses to register that public protest—

the Chief Commissioner may apply to the court for a prohibition order in relation to the applicant for registration and any other organisers of the public protest.

(2) Before applying for a prohibition order under subsection (1), Chief Commissioner must—

(a) give the applicant and any other organisers of the public protest written notice of the Chief Commissioner's intention to apply for a prohibition order; and

(b) invite the applicant and any other organisers to meet with a nominated police officer at a date and time specified in the notice under paragraph (a) to discuss the public protest; and

(c) take into consideration any matters put by the applicant and any other organisers at the conference referred to in paragraph (b).

8 Court may make prohibition order

(1) On an application under section 7(1), the court may make a prohibition order in respect of an organiser of a public protest if the court is satisfied that the public protest is likely to—

(a) be highly disruptive to the public; or

(b) endanger public safety; or

(c) require an unreasonable use of police resources to prevent disruption to the public or to protect public safety.

(2) A prohibition order prohibits an organiser of a public protest from carrying out that protest or specified parts of that protest.

9 Organiser may apply to court for authorisation to conduct protest

(1) A person may apply to the court for an order authorising the carrying out of a public protest if—

(a) the person has made an application under section 5(1) to register the public protest; and

(b) the application was made less than 5 days before the day the public protest is proposed to be held; and

(c) the Chief Commissioner has refused to register the public protest.

(2) The Chief Commissioner is a party to a proceeding on an application under subsection (1).

10 Court may authorise public protest

On an application under section 9(1), the court may make an order authorising the carrying out of the public protest if the court is satisfied that the public protest is not likely to—

(a) be highly disruptive to the public; or

(b) endanger public safety; or

(c) require an unreasonable use of police resources to prevent disruption to the public or to protect public safety.

11 Delegation

The Chief Commissioner may by instrument delegate any function or power of the Chief Commissioner under this Part to a police officer who is—

(a) at or above the rank of sergeant; or

(b) for the time being in charge of a police station.

Part 3—Exclusion orders

12 Application for exclusion order

(1) A police officer may apply to the court for an exclusion order.

(2) An application made under this section must—

(a) be in writing; and

(b) identify the person in respect of whom the exclusion order is sought; and

(c) contain a description of the public place, or part of the public place, in respect of which the exclusion order is sought; and

(d) state the grounds on which the exclusion order is sought; and

(e) be accompanied by at least one affidavit that verifies the facts on which the application is based.

(3) An application made under this section must be served on the respondent as soon as is practicable after the application is filed with the court.

13 Determination of application

(1) On an application under section 12, the court may make an exclusion order in respect of a person if the court is satisfied on the balance of probabilities that in respect of the same public place, or part of the public place—

(a) the person has been given a direction to move on—

(i) 3 or more times within a period of 6 months; or

(ii) 5 or more times within a period of 12 months; and

(b) an exclusion order has not previously been made in respect of the person in relation to the conduct that formed the basis of the directions to move on referred to in paragraph (a); and

(c) an exclusion order may be a reasonable means of preventing the person from engaging in further conduct in the public place, or part of the public place, that could form the basis of another direction to move on.

(2) In determining whether an exclusion order may be reasonable under subsection (1)(c), the court may take into account the following—

(a) the nature and gravity of the person's conduct that formed the basis of any of the previous directions to move on;

(b) whether the person has previously been the subject of an exclusion order under this Part;

(c) the likely impact of the exclusion order on—

(i) the person; and

(ii) any other person affected by the conduct that formed the basis of any of the previous directions to move on; and

(iii) public safety and order;

(d) any other matter that the court considers relevant.

(3) An exclusion order must state—

(a) the name of the person to whom the order applies; and

(b) the ground on which the order has been made; and

(c) a description of the public place, or part of the public place, which the person must not enter for the purpose of participating in a public protest; and

(d) when the exclusion order takes effect in accordance with section 14; and

(e) a period not exceeding 12 months during which the person must not enter the public place or part of the public place for the purpose of participating in a public protest; and

(f) the conditions, if any, imposed under subsection (5).

(4) Subject to subsection (5), an exclusion order prohibits a person from entering or remaining in a public place, or part of a public place, for the purpose of participating in a public protest, at all times during the period of the order.

(5) An exclusion order may allow the person to enter a public place, or part of a public place, for a specified purpose during the period of the order if—

(a) the court considers that there is a good reason why the person should be allowed to enter the place; and

(b) the court considers that it is appropriate in all the circumstances.

14 When exclusion order takes effect

An exclusion order takes effect—

(a) if the person to whom the order applies is present at court when the order is made—from the time at which the order is made; or

(b) if the person to whom the order applies is not present at court when the order is made—7 days after the day on which a copy of the order is served on the person.

15 Offence to contravene exclusion order

(1) A person in respect of whom an exclusion order is in effect must not engage in conduct in contravention of the order knowing that the order is in effect, or being reckless as to whether the order is in effect.

Penalty: 240 penalty units or 2 years imprisonment.

(2) It is not a contravention of subsection (1) if the conduct contravening the order was caused by circumstances beyond the control of the accused and the accused had taken reasonable precautions to avoid committing the offence against subsection (1).

(3) In a proceeding for an offence against subsection (1), proof of the person the subject of the exclusion order being present in court when the order is made, or proof of service of the exclusion order on the person, is admissible in evidence for the purpose of establishing that the person knows that an exclusion order is in effect and, in the absence of evidence to the contrary, is proof of that fact.

16 Variation of exclusion order

(1) Any of the following may apply to the court for variation of an exclusion order—

(a) the applicant for the exclusion order;

(b) the person to whom the order applies.

(2) On an application under subsection (1), the court may vary an exclusion order if the court—

(a) is satisfied that new facts or circumstances have arisen since the making or last variation of the order that make it appropriate for the order to be varied; and

(b) considers that it is appropriate to do so.

(3) In determining whether it is appropriate to vary an exclusion order under subsection (2)(b), the court may consider the likely impact of the exclusion order as proposed to be varied on—

(a) the person to whom the order applies; and

(b) any other person affected by the conduct that resulted in the directions to move on that formed the basis of the exclusion order; and

(c) public safety and order—

and any other matter that the court considers relevant.

(4) The court must specify the time and date at which an exclusion order as varied takes effect.

17 Revocation of exclusion order

(1) Any of the following may apply to the court for revocation of an exclusion order—

(a) the applicant for the exclusion order;

(b) the person to whom the order applies.

(2) On an application under subsection (1), the court may revoke an exclusion order if the court is satisfied that—

(a) new facts or circumstances have arisen since the making or last variation of the order; and

(b) the exclusion order is no longer a reasonable means of preventing the person to whom the order applies from engaging in conduct in the public place, or part of the public place, that could form the basis of a direction to move on.

(3) In determining whether an exclusion order is no longer reasonable under subsection (2)(b), the court may take into account—

(a) the nature and gravity of the conduct that resulted in the directions to move on that formed the basis of the exclusion order; and

(b) whether the person to whom the exclusion order applies has previously been the subject of an exclusion order under this Part; and

(c) the likely impact of the revocation of the exclusion order on—

(i) the person to whom the order applies; and

(ii) any other person affected by the conduct that resulted in the directions to move on that formed the basis of the exclusion order; and

(iii) public safety and order; and

(d) any other matter that the court considers relevant.

18 Chief Commissioner to report on exclusion orders

The Chief Commissioner must provide to the Minister for inclusion in the annual report of operations under Part 7 of the **Financial Management Act 1994** a report containing—

(a) the number of applications made for exclusion orders during that financial year; and

(b) the number of applications for exclusion orders that were withdrawn during that year; and

(c) the number of applications for exclusion orders that were dismissed during that year; and

(d) the number of exclusion orders made during that year; and

(e) the number of persons charged with an offence against section 15 during that year; and

(f) the number of persons found guilty of an offence against section 15 in that year; and

(g) the number of contraventions of an exclusion order that were recorded by members of the police force during that year in respect of which no charge-sheet was filed.

Part 4—Offences

19 Face covering at public protests

(1) A person participating in a public protest must not wear a face covering other than for religious purposes.

Penalty: 30 penalty units or imprisonment for 3 months.

(2) A police officer may direct a person participating in a public protest who is wearing a face covering other than for religious purposes to remove the covering while participating in the public protest.

Part 5—Consequential amendment of Summary Offences Act 1966

20 Direction to move on

Section 6(5) of the **Summary Offences Act 1966** is **repealed**.

21 Repeal of Part

This Part is **repealed** on the first anniversary of its commencement.

Note

The repeal of this Part does not affect the continuing operation of the amendments made by it (see section 15(1) of the **Interpretation of Legislation Act 1984**).

Endnotes

1 General information

See www.legislation.vic.gov.au for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.

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